

Application Serial No. 10/519,249
Reply to Office Action of April 4, 2006

PATENT
Docket: CU-4032

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REMARKS/ARGUMENTS

A petition and fee for a one-month extension of time to respond is filed contemporaneously herewith. The Commissioner is authorized to charge the deposit account of Ladas and Parry LLP. the fees necessary to extend the time for response. The Ladas and Parry LLP deposit account number is 12-0400.

Prior to this amendment, claims 1-10 and 12-16 were pending. By this amendment, those claims have been cancelled and new claims 17-29 have been added.

The new claims are believed to overcome the objections raised by the Examiner in the Office Action. The new claims are also believed to traverse the Examiner's rejections under 35 U.S.C. §102, §103 and §112. No new matter has been added and consideration of the new claims is respectfully requested.

Regarding the Examiner's rejection under §112, the new claims clearly articulate that the structure that performs the function of protecting a fiber line against destruction by laser radiation is the structure recited after the "comprising" transition word. More particularly, the protective structure is that structure formed by the two sections having a cladding of a first diameter, between which is located another section having a smaller or reduced-diameter cladding. A fiber core that extends through all three sections has a constant diameter. FIG. 6, for example, depicts a structure that is encompassed by the claims and which will protect the fiber line that runs through it.

With regard to FIG. 6, the new claims filed with this amendment are supported by specification text but also by the disclosure found in FIG. 6. Therefore, no new matter has been added by the new claims.

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As for the rejections of claims 1-4 and 7 under 35 U.S.C. §102(e), the Applicant notes that Goldberg does teach an optical fiber having a cladding, however, Goldberg differs from the claimed invention in a number of aspects. As can be seen from FIG. 9, Goldberg discloses a wide diameter portion 2' of the cladding, a narrow diameter portion 4' of the cladding and a tapered portion 3' between them. The reduced cladding parts 3' and 4' are formed in end portion of a fiber piece. (See, Goldberg, column 7, line 40-45.) The parts 2' and 4' serve as connection parts with the different diameters that allow the tapered light guiding section 1' to be cleaved and fusion spliced to fibers (see, Goldberg, column 13, lines 20-26). Thus, the reduced cladding portion 4' is an end portion, which is further connected by splicing (or optical connector) with other fiber 6'. Goldberg does not disclose any information in respect of the parameters of the portion 4' that said device serves as device for protecting a fiber line against destruction by laser radiation.

Importantly, Goldberg clearly and plainly *requires* the inclusion of a tapered portion. Goldberg does not show or suggest the invention claimed in the pending application.

Paraphrased, the invention recited in the new claims simply requires two sections of fiber cable that are clad with an identical-diameter cladding. A third section between the two constant-diameter-cladding sections is also of a constant-diameter albeit with a reduced but fixed-diameter cladding. Put another way, because the claims recite fixed diameters everywhere in claimed structure, there is no tapered portion in the claimed invention, which Goldberg clearly teaches to be essential and clearly requires. (See e.g., Goldberg's "Summary Of The Invention" in col. 3, lines 38-40: "An embodiment

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is...[an] apparatus provides a double cladding fiber taper...." See also the objects of the invention that are stated as being achieved by the device, which includes the tapered portion. See also the Detailed Description, col. 8, lines 18 et seq.: "The function of the tapered portion 3 is to reduce the diameter of cladding 9 by a *fixed ratio*....")

As set forth above, the new claims recite that the reduced-diameter section has a fixed diameter. It is bounded by two other clad sections. Their diameters are different from the diameter of the reduced-diameter section but that are equal to each other.

Goldberg, on the other hand, is replete with statements that make clear that the invention disclosed by Goldberg must have a tapered portion and since the new claims avoid Goldberg by not having a tapered portion, the new claims avoid the Goldberg reference and the Examiner's rejection of the claims under Goldberg must be withdrawn. Examination and consideration of new claims 17-29 is respectfully requested.

As for the rejection of the claims 5,6, 8-10 and 12-16 under 35 U.S.C. §103(a), the Examiner rejected those claims, which have been cancelled, on the combination of Goldberg and published European patent application number EP 0 851 247 A2 to Sumitomo and U.S. patent number 5,283,846.

For reasons set forth above, Goldberg in combination with EP 0 851 247 A2 and U.S. patent number 5,283,846 did not render claims 5, 6, 8-10 and 12-16 obvious because Goldberg requires a tapered section and none of the previously-pending independent claims recited a tapered section. Since claims 5,6, 8-10 and 12-16 have been cancelled, the rejection of them has been rendered moot.

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For reasons set forth above, new claims 17-29 are submitted to be allowable because no reference or combination of references cited by the Examiner shows or suggest the subject matter being claimed in them.

Examination and consideration of new claims 17-29 is respectfully requested.

Sincerely,

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